

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SONDRA D. HUNTER,

Plaintiff,

vs.

**Case No.: 2:13-cv-1010
JUDGE GEORGE C. SMITH
Magistrate Judge Deavers**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

On February 20, 2015, the United States Magistrate Judge issued a *Report and Recommendation* recommending that Plaintiff's Statement of Errors be **OVERRULED**, and that the Commissioner of Social Security's Decision be **AFFIRMED**. (*Report and Recommendation*, Doc. 19). This matter is now before the Court on Plaintiff Sondra Hunter's Objections to the Magistrate Judge's *Report and Recommendation*. (Doc. 20). The Court will consider the matter *de novo*. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Plaintiff raises three objections, the first two were previously set forth in detail in her Statement of Errors: that the ALJ violated the treating physical rule and that the ALJ's credibility determination was not supported by substantial evidence. The Court has carefully considered Plaintiff's first two objections, and for the reasons stated in the *Report and Recommendation*, this Court finds that the objections are without merit.

Plaintiff's third objection is that the case should be remanded to determine whether Plaintiff meets or medically equals Listing 14.02. The Magistrate Judge in the *Report and*

Recommendation concluded that “the ALJ did not provide adequate reasoning at step three to facilitate meaningful review by this Court.” (Doc. 19, *Report and Recommendation* at 28).

Plaintiff asserts that it was improper for the Magistrate Judge to make such a finding and then conduct her own analysis as to whether Plaintiff demonstrated that she met Listing 14.02.

However, the Magistrate Judge acted appropriately as the Sixth Circuit has held that in instances where the ALJ does not evaluate a listing, the court must “determine whether the record evidence raises a substantial question as to [Plaintiff’s] ability to satisfy each requirement of the listing.”

Smith-Johnson v. Comm’r of Soc. Sec., 579 F. App’x 426, 432-33 (6th Cir. 2014). Therefore, the Magistrate Judge did not err in conducting such analysis. Plaintiff’s third objection is therefore overruled.

Accordingly, the *Report and Recommendation*, Document 19, is **ADOPTED** and **AFFIRMED**. Defendant’s Objections are hereby overruled.

The Clerk shall remove Document 19 from the Court’s pending motions list, and enter final judgment in favor of Defendant, the Commissioner of Social Security.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT